

**CHIROPRACTIC EXAMINING BOARD
VIA TELECONFERENCE
MADISON, WI
MINUTES
November 13, 2003**

PRESENT: Steven Conway, Susan Feith, Char Glocke, James Rosemeyer,
James Weber and Jeffery Wilder

STAFF PRESENT: Kimberly Nania; Jacquelynn Rothstein; Legal Counsel,
James Polewski, Legal Counsel, Gina York, Program Assistant,
and Division of Enforcement and other staff

GUESTS: Ron Hermes, WPTA; Rachel Schraufnagel, WCA;

CALL TO ORDER

James Rosemeyer, Chair, called the meeting to order at 8:04 a.m. A quorum of 6 members was present.

AGENDA

Additions to the Agenda:

- Remove Item – Consulting with Legal Counsel Regarding the Suit by WCA Against the Examining Board

MOTION: James Weber moved, seconded by Susan Feith, to approve the agenda as amended. Motion carried unanimously.

APPROVAL OF MINUTES OF OCTOBER 16, 2003

Kimberly Nania, Bureau Director of Health Services, shared with the Board the problem surrounding the October 16, 2003 minutes. Ms. Nania was out of the office and Gina York was ill the day of the meeting. The individuals taping the meeting had a malfunction with the tape recorder and only the last half of the meeting was on tape. We have been trying to obtain the notes and other information from that day and Gina has put together a draft of the minutes the best she can from the tape given to her. Those who filled in taking the minutes have not provided information for Gina to complete the minutes for the Board to review and approve. We hope to have them by the December meeting. The Board expressed that the meeting of October 16, 2003 was the most unprofessional meeting they had ever experienced and was run very poorly. Even the person regarding the rule hearing was unprepared for that days hearing. The Board shared

their appreciation to Kimberly Nania and Gina York of the excellent job they do with all of the meetings and stated they were certainly missed.

ADMINISTRATIVE REPORT

Kimberly Nania informed the Board that there has been a reduction in meetings for 2004 for all Boards and that the Board approved theirs at the last meeting. Ms. Nania shared that the Department has started the remodeling of the building and should be completed sometime next year. Dr. Nania will keep the Board abreast of any future changes.

PRESENTATION OF PROPOSED STIPULATIONS

James Polewski, Legal Counsel, presented a proposed stipulation regarding Cynthia Munson, D.C. to the Board at today's meeting. This will be deliberated on later today in closed session.

PRESENTATION OF PROPOSED STIPULATIONS THAT MAY BE SIGNED AFTER MAILING OF AGENDA

There were not additional stipulations to be presented to the Board.

REPORTS ON PENDING COURT CASES, DISCIPLINARY CASES AND ADMINISTRATIVE RULES AND PRESS RELEASES JACQUELYNN ROTHSTEIN, LEGAL COUNSEL

Jacquelynn Rothstein, Legal Counsel informed the Board that a request for a rehearing was filed by Harold J. Dykema who had a Circuit Court Decision from Eau Claire. Attorney Rothstein informed the Board that if they did not take any action today it is like a denial. The Board discussed with legal counsel if they could have a special teleconference to deal with this issue and ensure any required deadlines are met. The Board took the following action.

MOTION: Susan Feith moved, seconded by Steven Conway, to request to have a teleconference regarding the request for a rehearing for Harold J. Dykema. Motion carried unanimously.

Ms. Rothstein also reviewed the report regarding any other pending court cases, disciplinary cases, administrative rules and press releases with the Board at today's meeting. The Board requested Ms. Rothstein to provide copies of all hearing cases from July 2003 through November 2003 for the next Board meeting.

RULE UPDATE WITH JACQUELYNN ROTHSTEIN, LEGAL COUNSEL

Jacquelynn Rothstein, Legal Counsel, informed the Board that there has been a request submitted for an extension of the emergency rule and is expecting a response shortly. The Board had a question on handling of rules and when and if they are removed from the report provided to the Board. The Board asked Kimberly Nania to invite Christopher Klein, Executive Staff Assistant, to come to the next meeting to discuss the tracking and monitoring of legislation.

INSTRUCTOR QUALIFICATIONS COMPLAINT

Ms. Showers informed the Board that a complaint went to Secretary Strong Hill's office and she had responded with a letter dated November 3, 2003. Dr. Rosemeyer felt that Ms. Shower's response reflected the Board's position on this issue. After some additional discussion the Board took the following action.

MOTION: Char Glocke moved, seconded by Susan Feith, to request Jacquelynn Rothstein, Legal Counsel to prepare a scope statement regarding criteria for qualifications of instructors. Motion carried unanimously.

PRECEPTOR APPROVAL

There were two preceptors before the Board for approval. They were Daniel C. Strong and Robert C. Wheelock.

MOTION: James Weber moved, seconded by Char Glocke, to approve all preceptors presented before the Board on 11/13/03. Motion carried unanimously.

PRECEPTOR APPROVAL FOR REQUESTS RECEIVED ATER THE PRINTING OF THE AGENDA

None.

CORRESPONDENCE AND PHONE INQUIRIES BY LEGAL COUNSEL

Jacquelynn Rothstein, Legal Counsel, informed the Board that she is not prepared to present any correspondence or inquiries to the Board at this time and requested that it be discussed at the next meeting. The Board deferred all correspondence and inquiries acquired by Attorney Rothstein until the December 18, 2003 meeting.

CONSULT WITH LEGAL COUNSEL

The Board consulted with Jacquelynn Rothstein, Legal Counsel as needed through out the meeting.

INFORMATIONAL ITEMS

None.

VISITOR COMMENTS

Noted.

CLOSED SESSION

MOTION: Steven Conway moved, seconded by James Weber, to adjourn to closed session pursuant to Wisconsin state statutes 19.85(1)(a)(b)(f) and (g) to consult with Legal Counsel regarding the Suit by WCA, deliberate on proposed stipulations, deliberate on proposed administrative warnings, deliberate on monitoring issues, application review, monitoring report and DOE case status reports. Motion carried by roll call vote: Steven Conway-yes; Susan Feith-yes; Char Glocke-yes; James Rosemeyer-yes; James Weber-yes, and Jeffery Wilder-yes.

Open Session recessed at 9:15 a.m.

RECONVENE INTO OPEN SESSION IMMEDIATELY FOLLOWING CLOSED SESSION

MOTION: James Weber moved, seconded by Jeff Wilder, to reconvene into Open Session at 10:00 a.m. Motion carried unanimously.

VOTE ON ITEMS CONSIDERED OR DELIBERATED ON IN CLOSED SESSION

CONSULTING WITH LEGAL COUNSEL REGARDING THE SUIT BY WCA AGAINST THE EXAMINING BOARD

The Board removed this item from today's meeting agenda. Jacquelynn Rothstein, Legal counsel will continue to keep the Board abreast of the status of this case.

DELIBERATION OF PROPOSED STIPULATIONS

CYNTHIA MUNSON, D.C.

MOTION: Jeff Wilder moved, and seconded by James Weber, to reject the proposed Stipulation in the matter of Cynthia Munson, D.C. Motion carried unanimously.

ENDORSEMENT APPLICATION REVIEW

DAVID C. SCOTT

MOTION: Susan Feith moved, and seconded by Steven Conway, to approve the application by endorsement for David C. Scott. Motion carried unanimously.

REQUEST FOR REINSTATEMENT OF LICENSURE

DENNIS L. SCHOTT, D.C.

MOTION: Jeff Wilder moved, and seconded by James Weber, to deny the request for reinstatement regarding Dennis L. Schott, D.C. and refer him to the Division of Enforcement. Motion carried unanimously.

REQUEST FOR EXTENSION REGARDING CONTINUING EDUCATION

VINCENT J. HOPE, D.C.

MOTION: James Weber moved, and seconded by Char Glocke, to grant Vincent J. Hope, D.C. an extension through January 31, 2003 to complete his CE credits. Motion carried unanimously.

DIVISION OF ENFORCEMENT – CASE STATUS REPORT

MOTION: Steven Conway moved, seconded by James Weber, to close case **03 CHI 019** for P2.

MOTION: Jeff Wilder moved, seconded by Steven Conway, to close case **00 CHI 063** for P1.

MOTION: Steven Conway moved, seconded by Jeff Wilder, to close case **03 CHI 008** for P2.

OTHER BOARD BUSINESS

CHOOSE DATE FOR TELECONFERENCE REGARDING HAROLD J. DYKEMA

The Board will hold a teleconference on November 18, 2003 starting at 12:00 (noon). Kimberly Nania and Gina York will make the arrangements and post the agenda for this teleconference session regarding the petition for a rehearing by Harold Dykema.

ADJOURNMENT

MOTION: Steven Conway moved, seconded by James Weber, to adjourn the meeting at 10:11 a.m. Motion carried unanimously.

Next Meeting:
Thursday,
December 18, 2003
8:00 a.m.